

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09CR57-RLV**

UNITED STATES OF AMERICA)
vs.) AMENDED
BRYAN KEITH NOEL,) ORDER
Defendant.)

)

THIS MATTER is before the Court for purposes of amending its October 6, 2009 Order continuing this matter for trial until February 16, 2010.¹

Accordingly, the Court notes:

1) The original Bill of Indictment returned on June 3, 2009 alleged 28 counts of conspiracy, securities fraud, mail fraud, wire fraud, money laundering, and bankruptcy fraud against Defendant Bryan Keith Noel;

2) A 34-count Superseding Bill of Indictment alleging additional acts of fraud by Defendant Noel was returned on October 7, 2009;

3) The Government represents to the Court that discovery in this case is mammoth, including approximately 25 boxes and 4 file cabinets of documentary evidence, a 300GB computer hard drive, roughly 50 reports of interview, numerous grand jury and civil deposition transcripts, multiple bankers boxes of financial records, as well as audio recordings;

¹ In the October 6, 2009 Order, the undersigned failed to explain why a continuance is warranted and, therefore, consistent with the aims and objectives of The Speedy Trial Act, 18 U.S.C. § 3161, et seq.

- 4) The Government has not completed the task of organizing discovery materials for production (or access) to the defense;
- 5) The Defendant, through counsel, has indicated that additional time is required to review and analyze the voluminous discovery;
- 6) The Defendant, through counsel, also agrees with the proposed trial date and joins in the instant motion.

For all of these reasons, the Court finds that Defendant's counsel has not had sufficient time within which to adequately prepare a defense in this case, taking into account the exercise of due diligence. **18 U.S.C. §3161(h)(8)(B)(iv)**. The Court further finds that the ends of justice served by taking such action as requested jointly by the parties outweigh the best interest of the public and the Defendant to a speedy trial.

Signed: October 8, 2009



Richard L. Voorhees
United States District Judge

